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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 MATTHEW J. BURKE,

No. 2:04-cv-2200-MCE-GGH

12 Plaintiff,

13 v.

ORDER

14 JO ANNE BARNHART,
Commissioner of Social Security,

15 Defendant.
16 _____/

17 On January 31, 2006, the magistrate judge filed Findings and
18 Recommendations herein which were served on the parties and which
19 contained notice that any Objections to the Findings and
20 Recommendations were to be filed within ten (10) days. No
21 Objections were filed.

22 Accordingly, the Court presumes any findings of fact are
23 correct. See Orland v. United States, 602 F.2d 207, 208 (9th
24 Cir. 1999). The magistrate judge's conclusions of law are
25 reviewed de novo. See Britt v. Simi Valley Unified School Dist.,
26 708 F.2d 452, 454 (9th Cir. 1983).

1 The Court has reviewed the applicable legal standards and,
2 good cause appearing, concludes that it is appropriate to adopt
3 the Proposed Findings and Recommendations in full.

4 Accordingly, IT IS ORDERED that:

5 1. The Proposed Findings and Recommendations filed January
6 31, 2006, are ADOPTED;

7 2. Plaintiff's Motion for Summary Judgment, which seeks
8 relief on the merits, is vacated from calendar. The Commissioner
9 shall show cause within ten (10) days of the filed date of this
10 Order why this case should not be remanded back to the
11 Commissioner for a decision on reopening.

12 DATED: March 30, 2006

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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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